

REMARKS

The minor changes to claim 25 and 52 are being made to address the rejection thereof under 35 U.S.C. 112, first paragraph. In particular, the passages regarding the encoder and decoder timers being independent and unsynchronized with one another have been deleted. However, the passages regarding the mathematical difference have not been deleted from the claims. Instead, the phrase “mathematical difference” has been added to numbered paragraph 116 of the published application. This paragraph gives an example of how one number is subtracted from another to obtain the recited difference. Clearly, any one of ordinary skill in the art understands that the value obtained when one number is subtracted from another is in fact the mathematical difference between the two numbers. Thus, no new matter is being added to the specification by adding this term. In addition, the rejection of claims 25 and 52 under 35 U.S.C. 112 is also overcome.

With reference now to the prior art rejections, claims 25-30, 34-37 and 39-60 stand rejected under 35 U.S.C. 102 as being anticipated by US 6,154,544 to Farris. Applicant respectfully traverses this rejection in view of the following discussion.

Farris cannot anticipate any of the rejected claims because the Farris system does not employ encoder and decoder timers for authentication. Instead, Farris employs another well known type of authentication system in which a code is transmitted by the encoder during actuation and this code is compared to a code stored at the decoder. However, the codes employed in the Farris system having nothing to do with timer values. The following excerpt from Farris at column 3, lines 13-27, clearly illustrates that the transmitter (i.e. encoder) does not include a timer and thus of course cannot employ timer values:

The system includes a transmitter generally having means for developing a fixed code and a rolling or variable code. The rolling or variable code is changed with each actuation of the transmitter. The fixed code remains the same for each actuation of the transmitter. In the present system, the transmitter includes means for producing a 32-bit frame comprising the fixed portion of the code and a second 32-bit frame comprising the variable portion of the code. The 32-bit rolling code is then mirrored to provide a 32-bit mirrored rolling code. The 32-bit mirrored rolling code then has its most significant bit "deleted" by setting it to zero. The transmitter then converts the 32-bit fixed code and the mirrored variable code to a three-valued or trinary bit fixed code and a three-valued or trinary bit variable code or rolling code.

In stark contrast, the claimed subject invention employs timers in the decoder and each encoder, whose values are compared to one another during initial start up of the system. During subsequent operation of the system, the mathematical difference between the two values of the encoder and the decoder timers is compared to the stored mathematical difference to authenticate the encoder transmission. In this manner, the encoder and decoder timers need not be synchronized with one another during start up of the system.

It is fundamental that in order to anticipate a claim under 35 U.S.C. 102, the reference must teach each and every element of the claim. In the present case, neither of the independent claims, claims 25 and 52, is anticipated by Farris because Farris does not disclose the use of encoder and decoder timer values as set forth in both of these claims. For the same reasons, the rejections of the dependent claims are also traversed. Further, many of these claims add features that clearly are also not disclosed in Farris as asserted by the Examiner. At this point, Applicant need not go into detail on the various dependent claims since the rejection of claims 25 and 52 is

clearly not merited. In addition, the rejection of claims 32, 33, and 61-63 under 35 U.S.C. 103 is also traversed for the same reasons.

In view of the foregoing, Applicant respectfully requests favorable reconsideration and allowance of the application.

Respectfully submitted,

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